UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

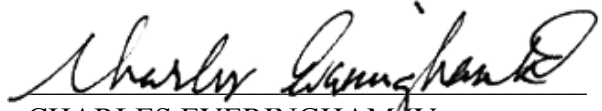|		
PACT XPP TECHNOLOGIES, AG	§	
	§	
vs.	§	CASE NO. 2:07-CV-563-CE
	§	
XILINX, INC., ET AL.	§	

ORDER

Pending before the court is the plaintiff PACT XPP Technologies AG's ("PACT") motion to stay pending reexamination (Dkt. No. 90). For the reasons presented below, PACT's motion to stay is DENIED.

"The district court has the inherent power to control its own docket, including the power to stay proceedings." *Soverain Software LLC v. Amazon.com, Inc.*, 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005) (citations omitted); *accord Clinton v. Jones*, 520 U.S. 681, 706 (1997). Management of the court's docket requires "the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936). Courts typically consider three things when deciding whether to stay litigation pending reexamination: "(1) whether a stay will unduly prejudice or present a clear tactical advantage to the nonmoving party, (2) whether a stay will simplify the issues in question and trial of the case, and (3) whether discovery is complete and whether a trial date has been set." *Soverain Software LLC*, 356 F. Supp. 2d at 662.

The court has considered the above factors and the circumstances of this case and does not believe that a stay is appropriate. Thus the plaintiff's motion to stay is DENIED.

SIGNED this 1st day of June, 2010.

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CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE